

Weekly Federal Register Summary

Week of 2/1/2004

Prepared By
Naval Facilities Engineering Service Center
Code 42

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Introduction

About the Report:

This weekly federal regulatory summary contains summaries of Federal Register notices and other information and is provided as a service of Naval Facilities Engineering Service Center, Port Hueneme, CA for various Navy and Marine Corps environmental personnel. Content is screened to include environmental and health/safety items specifically relevant to the Navy/Marine Corps or of broad general relevance to DOD.

Meetings -

Meeting cancellations and date changes appear only in the Upcoming Meetings section; they are not re-entered in the Summary of Issues.

Subscription:

Interested DOD personnel may receive a free weekly e-mail of this report. To subscribe or unsubscribe, log on to <http://regscreen.nfesc.navy.mil/htm/Subscribe.htm>. Contractors can be added to distribution if endorsed by their DOD contract representative via e-mail to us at regdesk@nfesc.navy.mil. Include the DOD representative's name, e-mail, phone number, job title, command, and address and your e-mail, phone number, company, and contractual responsibility area. If you have problems, or need assistance please contact us at regdesk@nfesc.navy.mil or 805/982-1276.

Web Database:

A companion website is available at <http://regscreen.nfesc.navy.mil> (access limited to .mil domains) where you can find and retrieve items from past issues of the Weekly Regulatory Summary, or get an overview of upcoming regulations.

Feedback:

We have made every effort to ensure that the information provided is accurate and that all significant regulatory actions have been included. If you believe that an important issue has been omitted from this report or that the information is incorrect, please contact us at 805/982-1276 or 805/982-2640, or via e-mail at regdesk@nfesc.navy.mil. Suggestions for improvement are also appreciated.

If you have specific concerns or would like to provide information to support Navy/DOD impacts from identified issues, please forward an e-mail detailing your comments. Please include the title and date of the issue. We may be contacted at: regdesk@nfesc.navy.mil or call 805/982-1276.

Summary of Issues

1. CAA

San Joaquin Valley California PM-10 Implementation Plans for 24-Hour and Annual PM-10 Standards	Date: 2/4/2004
Action Type: Proposed Rulemaking	Cite: 69 FR 5411
Summary: EPA is proposing to approve the San Joaquin Valley implementation plan for particulate matter 10 microns and smaller, submitted on August 19, 2003, and Amendments to that plan submitted on December 30, 2003. The Air District has committed to update the SIP by March 31, 2006, using improved inventories and air quality modeling. The SIP addresses the following source categories: - Paved roads - Unpaved roads - Unpaved parking/traffic areas - Construction demolition, industrial (incl. earthmoving, bulk materials handling/storage and windblown sources). - Agricultural bulk materials storage piles and trackout - Vacant disturbed land (non-agricultural)	
Potential Impact or Relevance: Provided for information only.	CFR References: 40 CFR 52
Further Information: Doris Lo, EPA, Region 9, (415) 972-3959, lo.doris@epa.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2264.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2264.pdf	

2. CAA

Organic Liquids Distribution NESHAP		Date: 2/3/2004
Action Type: Final Rule		Cite: 69 FR 5038
Summary: EPA has finalized national emission standards for hazardous air pollutants (NESHAP) for new and existing organic liquids distribution (non-gasoline) operations, which are carried out at storage terminals, refineries, crude oil pipeline stations, and various manufacturing facilities. Systems that are located at major HAP sources, and that are distributing organic liquids which contain 5% by weight or greater of the hazardous air pollutants listed in 40 CFR 63, Subpart EEEE are regulated if throughput or storage limits are exceeded. The definition of organic liquid excludes the following liquids. Gasoline (including aviation gasoline), Distillate oil fuels (Kerosene, diesel, fuel oils, etc.) Asphalt Hazardous waste Wastewater Ballast water Any non-crude oil liquid with an annual average true vapor pressure less than 0.1 psia For facilities where requirements are triggered, controls will apply to storage tanks and transfer racks. Controls for storage tanks include closed vents with control devices or floating roofs. Controls for transfer racks involve control devices, or vapor balancing to route displaced vapors back to the storage tank.		
Potential Impact or Relevance: Provided for information only. Due to exclusions for fuel, and the relatively large storage tank sizes (5000 gallous and up) or throughputs required to trigger the rule, facilities are unlikely to be affected.		CFR References: 40 CFR 63
Further Information: Martha Smith, EPA Emission Standards Division, Research Triangle Park, North Carolina, (919) 541-2421, smith.martha@epa.gov .		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2227.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2227.pdf		

3. *Climate Change And Energy*

DOE Grant Funding to Develop Testing Standards for Solar Thermal Energy Systems	Date: 2/5/2004
Action Type: Notice	Cite: 69 FR 5528
Summary: DOE is seeking applications for financial assistance for development and maintenance of standards for testing solar thermal energy systems. Applications are sought from organizations, or teams of organizations, that are experienced in the development and maintenance of testing procedures, certification of results and performance, and the establishment of relevant performance standards, particularly concerned with thermal efficiency. Eligible applicants are unrestricted and cost sharing is not required. Applications are due by 03/26/2004. https://e-center.doe.gov/iips/faopor.nsf/8373d2fc6d83b66685256452007963f5/9d6985246bba3dab85256e28007f2a2e?OpenDocument	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Beth H. Dwyer, DOE Golden Field Office, Golden CO, Phone: 303-275-4719, Fax: (303) 275-4788, e-mail: beth.dwyer@go.doe.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2399.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2399.pdf	

4. *Climate Change And Energy*

On-Board Fuel Reforming for Fuel Cell Vehicles - Insufficient Progress		Date: 2/4/2004
Action Type: Notice		Cite: 69 FR 5331
Summary: DOE is reviewing the future of on-board fuel processing activities within the Hydrogen, Fuel Cells and Infrastructure Technologies Program pending a June 30, 2004 decision. DOE indicates that progress in reducing the start-up time/energy and cost of on-board fuel reforming technologies has been disappointing. A review panel has been assembled by the National Renewable Energy Laboratory to review the current state of fuel processing activities against technical criteria and will make a recommendation by June 2004 as to whether to continue funding on-board fuel reforming efforts. For more information about the Hydrogen, Fuel Cells and Infrastructure technologies Program and related fuel processing activities visit the program's Web site at http://www.eere.energy.gov/hydrogenandfuelcells .		
Potential Impact or Relevance: Potential interest to managers of alternative fuel vehicle program efforts.		CFR References:
Further Information: Valri Lightner, DOE Office of Energy Efficiency and Renewable Energy, Washington, DC, (202) 586-0937, valri.lightner@ee.doe.gov		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2272.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2272.pdf		

5. *Natural and Cultural Resources*

Taking Marine Mammals Incidental to Space Vehicle and Test Flight Activities From Vandenberg Air Force Base, CA	Date: 2/6/2004
Action Type: Final Rule	Cite: 69 FR 5720
Summary: National Marine Fisheries Service has issued a final rule that governs the unintentional takings of small numbers of marine mammals incidental to space vehicle and test flight activities from Vandenberg Air Force Base, CA over a 5-year period from February 6, 2004 through February 6, 2009. These regulations will allow NMFS to issue annual Letters of Authorization (LOAs) to the USAF. The current regulations and LOA expired on December 31, 2003. The regulations describe allowed conditions for incidental harassment by noise from flight and launch activities, and mitigation measures that limit activities. Vandenberg is the main west coast launch facility for placing commercial, government, and military satellites into polar orbit on expendable (i.e. not reusable) launch vehicles, and for testing and evaluation of intercontinental ballistic missiles (ICBM) and sub-orbital target and interceptor missiles. In addition to space vehicle and missile launches, there are security and search and rescue helicopter operations, as well as test and evaluation flights of fixed-wing air craft.	
Potential Impact or Relevance: Provided for information only.	CFR References: 50 CFR 216
Further Information: Kimberly Skrupky (301) 713-2322, ext. 163.	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2414.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2414.pdf	

6. *Natural and Cultural Resources*

USFS, Southwestern Region - Guidelines for Management of Habitat for the Mexican Spotted Owl and Northern Goshawk		Date: 2/2/2004
Action Type: Notice		Cite: 69 FR 4920
Summary: The Forest Service, Southwestern Region, is preparing a Final EIS Supplement for Amendment of Forest Plans in Arizona and New Mexico. The Final EIS includes guidelines for management of habitat for the Mexican spotted owl and northern goshawk.		
Potential Impact or Relevance: Potential interest to natural resource managers at facilities in Arizona and New Mexico.		CFR References:
Further Information: Lou Woltering, Assistant Director of Wildlife, Southwestern Region, Albuquerque, NM		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2046.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2046.pdf		

7. NEPA

EPA Comments to Environmental Impact Statements - Naval Surface Warfare Center, Fox Island Laboratory, Washington State		Date: 2/6/2004
Action Type: Notice		Cite: 69 FR 5856
Summary: EPA comments to NEPA documentation included: Fox Island Laboratory Stabilization of In-Water Facilities, Naval Surface Warfare Center, Carderock Division, Pierce County, WA. (ERP No. D-USN-L11036-WA Rating LO) EPA has no objection to the proposed action.		
Potential Impact or Relevance: Provided for information only.		CFR References:
Further Information: Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2629.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2629.pdf		

8. OSHA

Safety, Health, and Return-to-Employment Initiative	Date: 1/9/2004
Action Type: Notice, Policy	Cite: Presidential Memorandum
Summary: The President has established the Safety, Health, and Return-to-Employment (SHARE) Initiative to reduce federal employee workplace injuries. Minimum goals for this three-year program are: <ul style="list-style-type: none">- reduce total injury case rates and lost time case rates by 3% each per year- increase the timely filing of claims by 5% per year- reduce the rate of lost production days due to injury by 1% each year. All executive branch departments and agencies are required to participate in the program. Each department and agency will collaborate with the Department of Labor to establish annual goals based on its current performance. The Department of Labor's Occupational Safety and Health Administration and Office of Workers' Compensation Programs will also work with Federal departments and agencies to develop new workplace strategies to: <ul style="list-style-type: none">- improve safety and health at high injury rate sites,- assist them in improving the timeliness of reporting claims through electronic and other means, and- guide them in providing suitable work and tools for injured and disabled employees. The current cost of Federal workplace injuries is more than \$2 billion with an additional 2 million lost production days annually. In fiscal year 2003, the Federal workforce (2.7 million people) filed more than 168,000 injury claims. Additional information on the SHARE initiative is available at: http://www.dol-esa.gov/share/ .	
Potential Impact or Relevance: Potential interest to occupational safety and health managers.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://www.whitehouse.gov/news/releases/2004/01/20040109-9.html	

9. SDWA

Market Enhancement Opportunities for Water- Efficient Landscape Irrigation Products	Date: 2/3/2004
Action Type: Meeting Announcement	Cite: 69 FR 5146
Summary: EPA is hosting a one-day public meeting on February 17, 2004 in Phoenix, AZ to discuss market enhancement opportunities for water-efficient products. This meeting will focus on landscape irrigation products. One additional public meeting to discuss water efficient products will be held in Seattle, WA in April. EPA's goal is to bring together stakeholders from Federal, state and local governments; utilities; manufacturers; building trade associations; consumer groups; and other interested parties to exchange information and views on promoting water-efficient products in the marketplace. EPA has indicated their intent to explore a voluntary national water-efficient product labeling program similar to the joint DOE/EPA Energy Star Products program. The types of products EPA would consider evaluating could include plumbing products, appliances, and landscape irrigation devices. For more information, see EPA's Water Efficiency Web page at: www.epa.gov/owm/water-efficiency/index.htm	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: EPA's Water Efficiency Web Page at http://www.epa.gov/owm/water-efficiency/index.htm	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2155.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2155.pdf	

10. SPCC/OPA-90

National Preparedness for Response Exercise Program (PREP) - Revisions to Proposed Triennial Exercise Schedule for 2004, 2005, and 2006		Date: 2/5/2004
Action Type: Notice		Cite: 69 FR 5562
Summary: The Coast Guard is making several changes to the PREP triennial exercise schedule for 2004, 2005, and 2006. For Government-Led Area Exercises for Calendar Year 2004, the Coast Guard changed Guam from 1st to 4th Quarter, changed Prince William Sound from 4th to 3rd Quarter, and added EPA Region I to 4th Quarter. For Industry-Led Area Exercises for Calendar Year 2004, the Coast Guard changed Maryland Coastal from 2nd to 4th Quarter, and added a footnote for Charleston, SC, and Duluth-Superior to indicate "credit for response in lieu of exercise." Comments are due March 8, 2004.		
Potential Impact or Relevance: Provided for information only.		CFR References:
Further Information: Robert Pond, Office of Response, Plans and Preparedness Division, Coast Guard Headquarters, 202-267-6603, rpond@comdt.uscg.mil		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2507.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2507.pdf		

Upcoming Meetings

General

Science Advisory Board

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-209.htm>

Location	Start Date	Start Time	Duration	Details
Telephone Conference; Eastern Std. Time,	2/27/2004	1:00 PM	1 Day	3MRA

EPA National Advisory Council for Environmental Policy and Technology--Compliance Assistance Advisory Committee; Teleconference Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-212.htm>

Location	Start Date	Start Time	Duration	Details
Telephone Conference; Eastern Std. Time,	2/12/2004	11:30 AM	1 Day	

Symposium on Recent Scientific Research Related to the Health Effects of Trichloroethylene

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1547.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	2/26/2004	8:30 AM	2 Days	

Natural and Cultural Resources

Coral Reef Task Force Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1903.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	2/24/2004	8:30 AM	2 Days	

NEPA

Draft Environmental Impact Statement for Purchase of Land for a Naval Special Operations Forces Training Range, Hancock County, MS

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1951.htm>

Location	Start Date	Start Time	Duration	Details
Bay St. Louis, MS	2/17/2004	7:00 PM	Evening	
Slidell, LA	2/18/2004	7:00 PM	Evening	

OSHA

Advisory Committee on Construction Safety and Health

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1788.htm>

Location	Start Date	Start Time	Duration	Details
Chicago, IL	2/12/2004	9:00 AM	2 Days	

SDWA

Market Enhancement Opportunities for Water- Efficient Landscape Irrigation Products

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2155.htm>

Location	Start Date	Start Time	Duration	Details
Phoenix, AZ	2/17/2004	8:30 AM	1 Day	

TSCA

Advisory Committee on Childhood Lead Poisoning Prevention

Full Text

<http://a257.g.akamaitech.net/7/257/2422/05jan20040800/edocket.access.gpo.gov/2004/04-42.htm>

Location	Start Date	Start Time	Duration	Details
Baltimore, MD	3/9/2004	8:30 AM	2 Days	